



Order Filed on November 26, 2018  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

STEVEN P. KELLY, ESQUIRE  
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Telephone: (609) 397-9200  
FACSIMILE: (856) 667-1456  
(COUNSEL FOR MOVANT)

In Re:  
Kyle L. Smith  
Debtor

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New Penn Financial, LLC d/b/a Shellpoint Mortgage  
Servicing  
Creditor/Movant

v.  
Kyle L. Smith  
(Respondent)

Case Number: 17-10159-ABA

Chapter: 13

Judge: Andrew B. Altenburg, Jr.

ORDER APPROVING STIPULATION/CONDITIONAL ORDER SETTTLING THE MOTION FOR  
RELIEF FROM THE AUTOMATIC STAY

The relief set forth on the following pages, numbered two (2) through three (3) is hereby  
**ORDERED.**

**DATED: November 26, 2018**

  
\_\_\_\_\_  
Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

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Debtor: Kyle L. Smith

Case Number: 17-10159-ABA

Caption of Order: Order Approving Stipulation/Conditional Order Settling the Motion for Relief from the Automatic Stay

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Upon the Motion of New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing (Creditor) through its Counsel Stern & Eisenberg PC, attorneys for secured creditor, under Bankruptcy Code (section 362(d), et al.) for relief from the automatic stay as to certain property, 414 Jackson Street, Camden, NJ 08104 ("Property"), and the entry of the Order settling the Motion for Relief and for cause shown, it is hereby ORDERED and DECREED as follows:

1. At the date of this Order, Kyle L. Smith ("Debtor") acknowledges that Debtor is due for the following post-petition regular monthly payments from July 1, 2018 to October 1, 2018, as follows:
  - a. Monthly payments total (\$491.47/mo):.....\$1,965.88
  - b. Post-petition suspense balance:.....(\$224.25)
  - c. Total arrearage as of date of Order:..... \$1,741.63
2. Debtor shall cure the remaining Arrearage in the amount of \$1,741.63 beginning November 1, 2018 as follows:
  - a. \$193.51 plus the monthly payment of \$491.47 totaling \$684.98/8months (11/01/2018 through 06/01/2019)
  - b. \$193.55 plus the monthly payment of \$491.47 totaling \$685.02/9<sup>th</sup> month (07/01/2019)
3. Applicant is awarded attorney fees of \$531.00 payable through the Chapter 13 Plan.
4. Payments due in accordance with this Order shall be due on or before the 1<sup>st</sup> day of each month.
5. Debtor shall make the regular monthly payments required to the Trustee.
6. All payments due to the Creditor from the Debtor are to be made directly to Shellpoint Mortgage Servicing and making sure that Creditor's loan number appears on all payments.
7. In the event that Movant alleges that Debtor has failed to comply with obligations under paragraph 2 through 5 of this Consent Order/Stipulation, New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing and/or Counsel may give Debtor and Debtor's counsel notice of the default and if such default is not cured within ten (10) days of said notice, upon certification to the court of such default, and request for Order, with a copy to Debtor and Debtor's counsel, the Court may grant New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing immediate relief from the bankruptcy stay, per the form of attached Order which is made part hereof as Exhibit "A."

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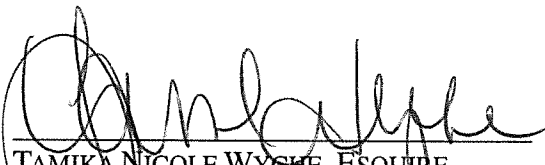
Debtor: Kyle L. Smith

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Caption of Order: Order Approving Stipulation/Conditional Order Settling the Motion for Relief from the Automatic Stay

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7. The failure by the Creditor, at any time, to file a Certification of Default upon default by the Debtor shall not be construed, nor shall such failure act, as a waiver of any of Creditor's rights hereunder. In the event Debtor fails to comply with the terms of this Order for more than 30 days, Creditor New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing may submit a certification of default and proposed Order for Relief from the Automatic Stay to the court and serve a copy of such Certification of Default upon the Debtor and Debtor's counsel.
8. Fourteen (14) days after receipt of a Certification of Default, the court will enter an order granting New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing relief from the automatic stay unless the Debtor has filed an objection to the Certification of Default specifying reasons for the objection; in which case the court will set a hearing on the objection.
9. Upon issuance of the aforesaid Order, the parties hereto further agree that New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing may proceed in state court to exercise all rights and remedies available to it as a mortgagee and creditor under state and federal law including, but not limited to, the initiation of and continuation of foreclosure and execution process through sheriff's sale concerning the Property and ejectment thereafter.
10. In the event Debtor converts to a bankruptcy under Chapter 7 of the Bankruptcy Code then Debtor shall pay all pre-petition arrears and post-petition arrears within 10 days from the date the case is converted. If Debtor fails to make payments in accordance with this paragraph then the Creditor, through Counsel, may file a certification setting forth said failure and the Creditor shall be granted immediate relief from the automatic stay and may also request entry of the form of Order attached as Exhibit "A."



TAMIKA NICOLE WYCHE, ESQUIRE  
COUNSEL FOR DEBTOR

/s/ Steven P. Kelly, Esq.  
STEVEN P. KELLY ESQUIRE  
STERN & EISENBERG, PC  
COUNSEL FOR CREDITOR

EXHIBIT A

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

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Chapter: 13

Judge: Andrew B. Altenburg, Jr.

**ORDER GRANTING RELIEF FROM AUTOMATIC STAY AND IN REM RELIEF FOLLOWING  
CERTIFICATION OF DEFAULT OF CONDITIONAL ORDER /STIPULATION**

Upon Motion of New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing (Creditor) for relief and a Certification of Default having been filed in accordance with the Order/Stipulation Resolving the Motion, it is hereby ORDERED AND DECREED that Movant, New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing (Creditor) (and any assignee/successor-in-interest) is granted relief from the stay of 11 U.S.C. §362, et al. to proceed with its mortgage foreclosure action and Sheriff's Sale (and all other rights under state and federal law) concerning the Property: 414 Jackson Street, Camden, NJ 08104 ("Property")